

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

KIMBERLY GENEREUX,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
COLUMBIA SUSSEX CORPORATION	)	
d/b/a WESTIN CASUARINA HOTEL,	)	
STARWOOD HOTELS & RESORTS	)	
WORLDWIDE, INC., WESTIN LICENSE	)	
COMPANY, WESTIN LICENSE	)	Civil Action No. 05-CV-10879-JLT
COMPANY NORTH, WESTIN	)	
MANAGEMENT COMPANY NORTH,	)	
INC., WESTIN MANAGEMENT	)	
COMPANY EAST, WESTIN NORTH	)	
AMERICA MANAGEMENT COMPANY,	)	
INC., GALLEON BEACH RESORT, LTD.,	)	
and CORPORATE DEFENDANTS X1-	)	
100,	)	
	)	
Defendants.	)	
	)	

**ASSENTED-TO MOTION OF DEFENDANTS WESTIN LICENSE COMPANY,  
WESTIN MANAGEMENT COMPANY NORTH, WESTIN MANAGEMENT COMPANY  
EAST AND WESTIN NORTH AMERICA MANAGEMENT COMPANY FOR  
ADDITIONAL TIME TO COMPLY WITH DISCOVERY ORDER AND JOIN IN  
LOCAL RULE 16.1 STATEMENT**

NOW COME defendants Westin License Company, Westin Management Company North f/k/a Westin License Company North, Westin Management Company East and Westin North America Management Company (collectively, the “Westin Defendants”) and hereby request up to and including May 12, 2006, to comply with the Court’s April 5, 2006, Discovery Order and join in the Local Rule 16.1 joint statement in this case. This Motion is assented to by all of the other parties in this case.

As grounds for this Motion, the Westin Defendants state that:

1. On November 23, 2005, the Westin Entities, by and through their counsel Seyfarth Shaw LLP (“Seyfarth”), filed their Answer to plaintiff Kimberly Genereux’s Amended Complaint in this action.<sup>1</sup>

2. In or about January 2006, the Westin Entities participated in a series of complex corporate transactions whereby certain of their assets and liabilities were transferred to a third party but certain of their membership interests were transferred to another third party. Seyfarth did not learn of the occurrence of these transactions until after the Court issued its April 5, 2006, Notice Of Scheduling Conference and Discovery Order.

3. As a result of these transactions, Seyfarth and its clients are currently unsure whether the Westin Entities continue to exist. Even assuming, *arguendo*, that the Westin Entities continue to exist, Seyfarth is also unsure whether it has been authorized by the appropriate representatives of some or all these Entities to represent them in this action.

4. As a result of these unresolved issues, Seyfarth cannot, on behalf of the Westin Entities, file the appropriate pleadings and take the appropriate actions to comply with the Court’s April 5, 2006 Discovery Order. Similarly, Seyfarth cannot execute the parties’ Local Rule 16.1 joint statement on behalf of the Westin Entities.

5. The requested extension will allow sufficient time for Seyfarth and its clients to resolve these complex corporate law issues.

6. By this Motion, the Westin Entities are not seeking to postpone the Scheduling Conference that is scheduled in this case for May 2, 2006.

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<sup>1</sup> Seyfarth also answered on behalf of defendant Starwood Hotels & Resorts Worldwide, Inc. This corporation is not one of the Westin Entities seeking an extension by the instant Motion.

STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC., WESTIN LICENSE  
COMPANY, WESTIN MANAGEMENT  
COMPANY NORTH f/k/a WESTIN LICENSE  
COMPANY NORTH, WESTIN  
MANAGEMENT COMPANY EAST and  
WESTIN NORTH AMERICA  
MANAGEMENT COMPANY

By their attorneys,

/s/ Stephen C. Bazarian

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Assented-to by:

COLUMBIA SUSSEX d/b/a WESTIN  
CASUARINA HOTEL

KIMBERLY GENEREUX

By its attorney,

By her attorney,

/s/ John B. Johnson

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